



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

OFFICE OF EMERGENCY MEDICAL SERVICES

PO BOX 360

TRENTON, N.J. 08625-0360

[www.nj.gov/health](http://www.nj.gov/health)

RICHARD J. CODEY  
*Acting Governor*

FRED M. JACOBS, M.D., J.D.  
*Commissioner*

April 18, 2005

Mr. Richard Miller, CEO  
Executive Offices at Virtua  
94 Brick Road  
Marlton, New Jersey 08053

**Re: Notice of Proposed Assessment of Penalty: Mobile Intensive Care Program**  
Investigation Control # 05-A-021

Dear Mr. Miller:

The New Jersey Department of Health and Senior Services is vested with the responsibility of carrying out the provisions of N.J.S.A. 26:2K-7, et seq., which govern the provision of advanced life support services within the State of New Jersey. This law establishes a scheme that permits a hospital, once approved, to develop and maintain a mobile intensive care program and to provide advanced life support services utilizing licensed physicians, registered nurses trained in advanced life support and certified emergency medical technician-paramedics. In furtherance of this statutory scheme, the Department of Health and Senior Services has adopted regulations that govern the administration and operation of these mobile intensive care programs. See N.J.A.C. 8:41-1.1, et seq.

On March 7, 2005 at approximately 12:30 p.m., staff of this Department's Office of Emergency Medical Services (OEMS) conducted an unannounced vehicle spot check on Virtua Health's Mobile Intensive Care Program vehicle #11. The vehicle spot check was conducted at Underwood Memorial Hospital in Woodbury, New Jersey. This spot check found two Epinephrine 1:1,000 1cc vials had an expiration date of February 2005. N.J.A.C. 8:41-6.3(g) states specifically "No vehicle shall carry any medication, solution, supplies or equipment beyond the sterility or expiration date printed or affixed to the item by the manufacturer or processor." An expired medication that is more than a month past due is a violation of N.J.A.C. 8:41-6.3(g).

Pursuant to N.J.A.C. 8:41-12.3(c), violation by a mobile intensive care program of any portion of N.J.A.C. 8:41-1.1 et seq. may be cause for action against the program, including, but not limited to, placing of conditions for continued operation of a program, suspension of license, revocation of license, monetary penalties, reassignment of medical command or any combination thereof. The Department finds that in this case, the imposition of a monetary penalty is the appropriate disciplinary action. Therefore, in accordance with N.J.A.C. 8:41-12.3(c) and N.J.S.A. 26:2K-15, Virtua Health System is hereby assessed a penalty in the amount of \$200 for violation of N.J.A.C. 8:41-6.3(g).

A certified check or money order in the amount of \$200, made payable to "Treasurer, State of New Jersey," must be submitted within 30 days from the date of this notice. In accordance with N.J.S.A. 26:2K-15, failure to pay this penalty may result in a summary civil proceeding in the Superior Court of New Jersey pursuant to the Penalty Enforcement Law (N.J.S. 2A:58-1, et seq.). Payment should be forwarded to:

New Jersey Department of Health & Senior Services  
Office of Emergency Medical Services  
P.O. Box 360-EMS  
Trenton, New Jersey 08625-0360  
Attn: Ms. Karen Halupke

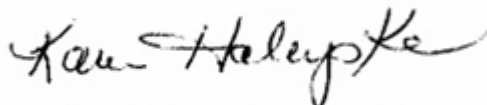
Pursuant to N.J.A.C. 8:41-12.4, you are entitled to a hearing before the Office of Administrative Law to contest this proposed penalty assessment. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the violation noted above. In the event that you request a hearing, this penalty shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered.

Your request for a hearing must be submitted within 30 days from the date of this Notice, and should be forwarded to:

New Jersey Department of Health & Senior Services  
Office of Legal & Regulatory Affairs  
P.O. Box 360, Room 805  
Trenton, NJ 08625-0360  
Attn: Ms. Michele Stark

Please include the control # 05-A-021 on any correspondence sent to the Department. **Finally, please note that failure to submit a request for a hearing within 30 days of this notice shall render this notice final, and the entire \$200 shall be immediately due and payable.** If you have any questions concerning this matter, please do not hesitate to contact Mr. Samuel Stewart at (609) 633-7777.

Sincerely,



Karen Halupke, R.N., M.Ed  
Director, Emergency Medical Services

c: Samuel Stewart, Esq., OEMS  
Charles McSweeney, OEMS  
Donald Roberts, OEMS  
Michele Stark, L&R

**SENT VIA REGULAR U.S. MAIL AND  
CERTIFIED MAIL #7002 2410 003 3470 5828  
RETURN RECEIPT REQUESTED**